

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO. 4373 OF 2018

(KAUSAR JAHARN SAMSHER KHAN...VS..STATE OF MAHARASHTRA & OTH.)

 Office Notes, Office Memoranda of Coram,
 appearances, Court's orders of directions
 and Registrar's orders

Court's or Judge's orders

Ms Sonali Saware, Advocate for Petitioner.
 Ms Mrunal Barabde, A.G.P. for Respondent No.1.

CORAM : B.P.DHARMADHIKARI AND
Z.A.HAQ, JJ.

DATED : JULY 20, 2018.

1. Submission is, against 7 posts to be filled in through Open Category Women, women belonging to Reserved Categories have been recruited.

2. Contention is, as they have not paid fees prescribed for Open Category, they cannot be treated as candidates in Open Category. The support is being taken from the judgment of the Hon'ble Apex Court in **Civil Appeal No. 3609 of 2017** (*Deepa E.V. vs. Union of India and ors.*) decided on 6th April, 2017.

3. The learned A.G.P. points out that in the facts before the Hon'ble Apex Court because of the caste she was given age relaxation. Hence, the Hon'ble Apex Court has found that such candidate could not have been considered against the open post.

4. After hearing the respective counsel, we find that here, the petitioner is not in a position to point out any

similar disqualification with selected women. There is nothing before this Court to show that selected women belonging to reserved category were disqualified for consideration against open post. The marks scored by them are above 60 while the petitioner has scored only 56 marks.

5. We, therefore, find nothing wrong in the selection process. The petition is therefore, without merit, hence, **rejected**. No costs.

(Z.A.Haq, J)

(B.P.Dharmadhikari,J)

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